

Chapter 17.04

BUILDING CODE

(375-8/34, 530-5/48, 592-12/52, 869-9/61, 1064-7/64, 1139-5/65, 1331-7/67, 1626-2/71, 1935-11/74, 2027-1/76, 2431-7/80, 2747-2/85, 2787-9/85, 2875-11/86, 2976-12/88, Urgency Ord. 3006-6/89, 3004-8/89, 3022-12/89, 3147-7/92, 3260-11/94, 3261-11/94, 3305-12/95, 3422-7/99, 3573-10/02, 3789-1/08, 3892-12/10)

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- 17.04.100 (Repealed, Ordinance No. 3260-11/94)
- 17.04.110 (Repealed, Ordinance No. 3260-11/94)

17.04.010 Title. This chapter shall be known as the Huntington Beach Building Code, may be cited as such, and will be referred to herein as the Building Code. (1935-11/74, 2027-1/76, 2431-7/80, 2747-2/85, 3422-7/99)

17.04.020 Adoption. There is hereby adopted by the City Council by reference that certain code known as the 2010 California Building Code, and the whole thereof, including Appendix I entitled "Patio Covers," and excepting all other appendices save and except those portions as are hereafter modified or amended. Such code, and amendments thereto, are hereby adopted and incorporated, pursuant to California Government Code §50022.2 et seq., and Health and Safety Code § 18941.5, as fully as though set forth at length herein, for the purpose of regulating and administering the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Huntington Beach, and repealing all ordinances and parts of ordinances in conflict herewith. From the date on which this chapter takes effect the provisions of such code, together with amendments thereto shall be controlling within the corporate limits of the City of Huntington Beach. (375-8/34, 530-5/48, 592-12/52, 869-9/61, 1064-7/64, 1139-5/65, 1331-7/67, 1626-2/71, 2027-1/76, 2431-7/80, 2747-2/85, 2976-12/88, 3022-12/89, 3147-7/92, 3305-12/95, 3422-7/99, 3573-10/02, 3789-1/08, 3892-12/10)

17.04.031 CBC Chapter 1, §101.2 Scope, is hereby amended. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. (3789-1/08, 3892-12/10)

Exception: Detached one- and two-family dwelling and multiple single-family dwellings (townhouses) not more than three stories above grade plan in height with a separate means of egress and their accessory structures shall comply with the California Residential Code. (3892-12/10)

17.04.032 CBC Chapter 1, §105.2 Work exempt from permit, is hereby amended. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following: (3789-1/08, 3892-12/10)

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, pagodas, gazebos and similar uses, provided the floor area does not exceed 120 square feet. (3789-1/08)
2. Fences not over 42 inches high or architectural features not exceeding 6 feet in height and not within required zoning setbacks. (3789-1/08)
3. Oil derricks and tanks. (3789-1/08)
4. Retaining walls which do not support over 2 feet of earth measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. (3789-1/08)
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1. (3789-1/08)
6. Sidewalks, platforms, decks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and not part of an accessible route. (3789-1/08)
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work. (3789-1/08)
8. Temporary motion picture, television and theater stage sets and scenery. (3789-1/08)
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems. (3789-1/08)
10. Swings, other playground equipment and similar type recreational structures. (3789-1/08)
11. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support in Group R-3 and U occupancies. (3789-1/08)
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height. (3789-1/08)
13. Flag poles, light poles and TV dishes in connection with a Group R, Division 3 occupancy and not exceeding 15 feet in height. (3789-1/08)
14. Re-roofing an area smaller than 100 square feet while satisfying all applicable application requirements. (3789-1/08)
15. Replacement doors and windows when the waterproofing membrane is not altered and emergency egress dimensions are equal to or better than the original permitted layout. (3789-1/08)
16. New roof penetrations less than 14" by 14" when no framing modifications or additions are required. (3789-1/08)

Unless otherwise provided by this code, separate plumbing, electrical and mechanical permits will be required for the above-exempted items. (3789-1/08)

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. (3789-1/08)
2. Radio and television transmitting stations: The provision of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to

equipment and wiring for a power supply and the installations of towers and antennas.
(3789-1/08)

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus. (3789-1/08)
4. Temporary decorative lighting. (3789-1/08)
5. Replacement of attachment plug receptacles, but not the outlets therefore. (3789-1/08)
6. Replacement of general use snap switches. (3789-1/08)
7. Repair or replacement of any overcurrent device of the required capacity in the same location. (3789-1/08)
8. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems. (3789-1/08)
9. The wiring for temporary theater, motion picture or television stage sets. (3789-1/08)
10. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy. (3789-1/08)
11. Low-energy power, control and signal circuits of Classes II and III as defined in the electrical code. (3789-1/08)
12. Non vehicle mounted portable generators. (3789-1/08)
13. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe. (3789-1/08)

Gas:

1. Portable heating appliance. (3789-1/08)
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe. (3789-1/08)
3. Portable cooking or clothes drying appliance. (3892-12/10)
4. Portable fuel-cell appliance that are not connected to a fixed piping system and are not interconnected to a power grid. (3892-12/10)

Mechanical:

1. Portable heating appliances. (3789-1/08, 3892-12/10)
2. Portable ventilation equipment or appliances. (3789-1/08, 3892-12/10)
3. Portable cooling unit. (3789-1/08)
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code. (3789-1/08)
5. Replacement of any part that does not alter its approval or make it unsafe. (3789-1/08)
6. Portable evaporative cooler. (3789-1/08)
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1horsepower (746 W) or less. (3789-1/08, 3892-12/10)
8. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid. (3892-12/10)

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. (3789-1/08)
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures. (3789-1/08)
3. Repair or replacement of any plumbing fixture or appliance of the same type and size and in the same location. Exception: electric and fuel gas water heaters. (3789-1/08)
4. Replacement of any part that does not alter its approval or make it unsafe. (3789-1/08)

17.04.033 CBC Chapter 1, Division II §105.3.2 Time Limitation of Application, is hereby

amended. Applications for which no permit is issued within 180 days following the date of application shall expire automatically, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant in increments of 180 days subject to the following conditions: (3789-1/08, 3892-12/10)

1. The applicant shall submit an application every 180 days, accompanied by a plan review extension fee, established by resolution of the City Council. (3789-1/08)
2. Any plans that remain in plan review over 360 days shall meet all construction standards that are adopted at the time the permit is issued. (3789-1/08)
3. Plans may not remain in plan review more than 720 days except under extreme situations as approved by the building official. (3789-1/08)

17.04.034 CBC Chapter 1, Division II §105.5 Expiration, is hereby amended. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered suspended or abandoned if substantial approval of one of the required progress inspections is not accomplished every 180 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year, the permittee shall pay a new full permit fee. (3789-1/08, 3892-12/10)

The permittee holding an unexpired permit may apply for an extension. The building official may extend the time for actions by the permittee for a period not exceeding 180 days upon written application by the permittee. Permits shall not be extended more than once except under extreme situations and when approved by the building official. (3789-1/08)

17.04.035 CBC Chapter 1, Division II Section 109 Fees, is hereby amended.

§109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The building official may allow temporary exceptions. (3789-1/08, 3892-12/10)

§109.1.1 Plan review fees. When a plan or other data is required to be submitted a plan review fee shall be paid. This fee shall be paid at the time of submitting plans and specifications for plan review. Said plan review fees shall be as established by resolution of the City Council. (3789-1/08, 3892-12/10)

§109.1.2 Permit fees. The fee shall be paid at permit issuance. The standard for determination of value or valuation of the project shall be made by the building official and as established by resolution of the City Council. (3789-1/08, 3892-12/10)

§109.1.3 Miscellaneous service fees. Whenever an application is made for all other services, a fee for the service in an amount established by resolution of the City Council shall be paid to the City. (3789-1/08, 3892-12/10)

§109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the City Council. (3789-1/08, 3892-12/10)

§109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the

approval of the building official. Final building permit valuation shall be set by the building official and as established by resolution of the City Council. (3789-1/08, 3892-12/10)

§109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee established by resolution by the City Council that shall be in addition to the required permit fees. (3789-1/08, 3892-12/10)

§109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. (3789-1/08, 3892-12/10)

§109.6 Refunds. The building official may authorize the refund of any fee paid hereunder for work that was not performed or for fees that were collected erroneously as established by resolution of the City Council. (3789-1/08, 3892-12/10)

17.04.036 CBC Chapter 1, Division II §110.1 Use and occupancy, is hereby amended. No building or structure shall be used or occupied, nor shall a change in the existing occupant or occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. (3789-1/08, 3892-12/10)

Exception: Group R, Division 2, 3 and U occupancies. (3789-1/08, 3892-12/10)

17.04.060 CBC Section 1910 Minimum Slab Provisions, §1910.1 General, is hereby amended. The thickness of concrete floor slabs supported directly on the ground shall not be less than 3-1/2 inches (89 mm), and shall be provided with minimum reinforcing equal to 6 x 6 x W1.4 x W1.4 welded wire fabric supported to remain in place from the center to upper one third of the slab for the duration of concrete placement. (2027-1/76, 2431-7/80, 2747-2/85, 2976-12/88, 3305-12/95, 3422-7/99, 3789-1/08, 3892-12/10)

17.04.070 CBC Chapter 9 Fire Protection Systems, § 901.1 Scope, is hereby amended. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation and operation of fire protection systems. For amended sprinkler requirement, see Huntington Beach Municipal Code, Chapter 17.56 of this code. (2027-1/76, 2431-7/80, 2747-2/85, 3022-12/89, 3305-12/95, 3422-7/99, 3789-1/08, 3892-12/10)

17.04.080 Chapter 36 added--Building security. The Building Code is hereby amended by adding thereto new Chapter 36 entitled, "Building Security," to read as follows: (3022-12/89, 3305-12/95, 3422-7/99)

§ 3601. Purpose. The purpose of this chapter is to establish minimum standards of construction for protection against unlawful entry. (3305-12/95)

§ 3602. Alternative security provisions. When approved by the building official, site security systems may be provided in lieu of the specific security provisions of section 3608, 'Garages--Multiple dwellings.' (3022-12/89, 3305-12/95, 3422-7/99)

§ 3603. Definitions. For the purpose of this chapter, certain terms used herein are defined as follows: (3305-12/95, 3422-7/99)

'Cylinder guard' means a hardened ring surrounding the exposed portion of the lock cylinder or other device which is so fastened as to protect the cylinder from wrenching, prying, cutting or pulling by attack tools.

'Deadlocking latch' means a latch in which the latch bolt is positively held in the projected position by a guard bolt, plunger or auxiliary mechanism.

'Dead bolt' means a bolt which has no automatic spring action and which is operated by a key cylinder, thumb turn, or level, and is positively held fast when in the projected position.

'Latch' means a device for automatically holding a door shut after being closed.

'Light' means any glazed opening whether glazed with glass, plastic, metal, wood or composition sheets or panels, or similar materials, and shall include windows, skylights, view ports or view panels and similar openings.

§ 3604. Entry vision. All main or front entry doors to R occupancies shall be arranged so that the occupant has a view of the area immediately outside without opening the door. Such view may be provided by a door viewer or view port or by window or other opening located and constructed as required by this chapter. Such area shall be provided with a light. (3305-12/95, 3422-7/99)

§ 3605. Doors. (3305-12/95, 3422-7/99)

(a) **General.** A door forming a part of the enclosure of a dwelling unit or of an area of a building occupied by one tenant shall be constructed, installed, and secured as set forth in this section.

(b) **Swinging doors.**

(1) Swinging wooden doors which can be opened from the inside without using a key shall be of solid core construction. Lights in doors shall be as set forth in this chapter. (3022-12/89)

(2) A single swinging door, the active leaf of a pair of doors, and the bottom leaf of Dutch doors shall be equipped with a dead bolt and deadlocking latch. The dead bolt and latch may be activated by one lock or by individual locks. Dead bolts shall contain hardened inserts, or equivalent, designed to repel cutting tool attack. The lock or locks shall be key operated from the exterior side of the door and engaged or disengaged from the interior side of the door by a device which requires no key, special knowledge or effort.

(3) A straight dead bolt shall have a minimum throw of one (1) inch and the embedment shall be not less than five-eighths (5/8) inch into the holding device receiving the projected bolt. All dead bolts of locks which automatically activate two (2) or more dead bolts shall embed at least one-half (1/2) inch but need not exceed three-fourths (3/4) inch into the holding devices receiving the projected bolts. (3022-12/89)

(4) A deadlocking latch shall be provided with a bolt projecting not less than five-eighths (5/8) inches from the edge of the door in which it is installed.

(5) The inactive leaf of a pair of doors and the upper leaf of Dutch doors shall be equipped with a dead bolt or dead bolts as set forth in subsection (b)(2) above.

EXCEPTIONS:

(a.) The bolt or bolts need not be key operated but shall not be otherwise activated, from the exterior side of the door.

- (b.) The bolt or bolts may be engaged or disengaged automatically with the dead bolt or by another device on the active leaf or lower leaf.
- (c.) Manually-operated hardened bolts at the top and bottom of the leaf and which embed a minimum of one-half (1/2) inch into the device receiving the projected bolt may be used when not prohibited by the Building Code or other laws and regulations.
- (6) Doorstops on wooden jambs for in-swinging doors shall be of one piece construction with the jamb or joined by a rabbet.
- (7) Nonremovable pins shall be used in pin-type hinges which are accessible from the outside when the door is closed.
- (8) Cylinder guards shall be installed on all mortise or rim-type cylinder locks installed in doors whenever the cylinder projects beyond the face of the door or when otherwise accessible to gripping tools.
- (9) Unframed glass doors shall be of fully tempered glass not less than one-half (1/2) inch thick.
- (10) Narrow-framed glass doors shall be of fully tempered glass not less than one-quarter (1/4) inch thick.
- (c) Sliding glass doors. Sliding glass doors shall be equipped with locking devices. Cylinder guards shall be installed on all mortise or rim-type cylinder locks installed in doors whenever the cylinder projects beyond the face of the door or is otherwise accessible to gripping tools. (3305-12/95)

§ 3606. Windows, or other openings. (3422-7/99, 3573-10/02)

- (a) General. Windows, or other similar openings shall be constructed, installed and secured as set forth in this section. (2976-12/88, 3022-12/89, 3422-7/99, 3573-10/02)
- (b) Materials. Only fully-tempered glass or approved metal bars, screens, or grills shall be used for any opening in which glass is utilized which is located within forty (40) inches of the locking device on a door. (3305-12/95)
- (c) Locking devices. All windows or other openings which are designed to be opened shall be provided with locking devices. (3305-12/95, 3573-10/02)

§ 3608. Garages--Multiple dwellings. Whenever a development includes three (3) or more dwelling units, all covered parking required by other provisions of the Huntington Beach Ordinance Code shall be provided by fully-enclosed garages. Garage space for each tenant shall be separated by partitions of three-eighths (3/8) inch plywood or any approved equivalent with studs set not more than twenty-four (24) inches apart on one side. Doors and windows in such garages shall be constructed, equipped and secured as required by this chapter. (2027-1/76, 2431-7/80, 2456-11/80, 2747-2/85, 2787-9/85, 3022-12/89, 3305-12/95, 3422-7/99)

17.04.085 Methane District Regulations. The Building Code is hereby amended by adding thereto new Chapter 55 entitled "Methane District Regulations" to read as follows:
(3004-8/89, 3022-12/89, 3422-7/99)

§ 5501. Purpose. This Division sets forth the minimum requirements of the City of Huntington Beach for new building construction in the defined methane overlay districts. It is also the

purpose of this chapter to reduce the hazards presented from accumulations of methane gas by requiring the appropriate testing and mitigation measures for all new buildings in the methane overlay districts.

§ 5502. Definitions. For the purposes of this division, the following definitions shall also be applied.

- A. Flammable Gas shall mean any gaseous substance capable of sustaining combustion or explosion.
- B. Gas Detection System shall mean one or more electrical devices capable of continuous monitoring for the presence of flammable gasses and containing an audible alarm capable of alerting occupants that a hazardous atmosphere exists. A part of the system shall be subject to building the system and all devices which are department and fire department approved.
- C. Methane Gas shall mean the hydrocarbon substance commonly known as “natural gas,” chemical formula CH₄. For the purposes of definition in this chapter, natural gas from the distribution system of a utility company is exempted and excluded from the scope of the application of the provisions of this chapter.
- D. Methane Gas Overlay District shall mean those districts within the City of Huntington Beach as defined in Section 5503.
- E. Qualified Engineer shall mean a civil engineer currently registered in the State of California and possessing experience in the design of subsurface gas control systems.
- F. Vent System shall mean a system or device which gathers or collects flammable gasses and releases these gasses in a specified manner and location.

§ 5503. Overlay Districts. Boundaries of the districts set forth herein are measured from centerline to centerline of indicated streets unless otherwise described, and are graphically depicted by the copy of the map designated “Methane Overlay Districts,” which is on file with the Fire Department. (3422–7/99)

The Methane District boundaries are as follows. Note that the directions of north, south, east, west, and similar directions are general in nature only.

District One: Saybrook Lane south from Edinger Avenue to Davenport Drive to Algonquin Street, south on Algonquin Street to Warner Avenue, east on Warner Avenue to Bolsa Chica Street, north on Bolsa Chica Street to Edinger Avenue, west on Edinger Avenue to Saybrook Lane.

District Two: All land on both sides of Pacific Coast Highway northwest from the City Boundary at the Santa Ana River to the City Boundary at the Bolsa Chica Bluffs, then following the City Boundary northeast to Edwards Street, Edwards Street north to Slater Avenue, Slater Avenue east to Gothard Street, Gothard Street south to Ellis Avenue, Ellis Avenue east to Newland Street, Newland Street south to Adams Avenue, Adams Avenue east to the City Boundary at the Santa Ana River, City Boundary south along the Santa Ana River to Pacific Coast Highway.

§ 5504. Plan Required. All proposed subdivisions, divisions of land, developments of property, and new buildings within the methane overlay districts shall be reviewed by the Fire Department. The Fire Chief may require a plan for the testing of site soils for the presence of methane gas. Such plan shall be subject to the approval of the Fire Department, and may include, but shall not be limited to, hammer probes, pneumatically driven probes, and core hole samples with

monitoring for the presence of methane gas. The Fire Chief may require other actions as deemed necessary to insure the safety of the development or building site.

§ 5505. Testing Required. Testing for the presence of methane gas shall be required to be carried out in accordance with the approved plan. Results of such testing shall be submitted to the Fire Department for review and analysis.

§ 5506. Mitigation Required. Anomalously high levels of methane gas in the near surface or subsurface soil layers may require mitigation before any grading, development, or building construction is allowed to take place. Such mitigation may include, but is not limited to, the venting of abandoned oil wells, underground gathering and collection systems for gasses, vent systems, and flared vent systems. Other systems, devices, or components may be required as deemed necessary by the Fire Chief in order to insure the safety of the development and buildings.

If the mitigation measure does not reduce the soil concentrations of methane to an acceptable level, or if other contaminants are present in the methane at a level which poses a threat to health and safety, further development may be halted until such time as the site is rendered safe from these hazards.

§ 5507. Isolation Barriers Required. New buildings which fall under the provisions and requirements of this article may require the installation of a continuous, flexible, permanent, and non-permeable barrier, and shall be a type approved by the Fire Department. (3422-7/99)

§ 5508. Access. All methane gas mitigation systems required by this article shall be made accessible to city personnel for the purposes of monitoring, maintenance, and evaluation for effectiveness.

§ 5509. Areas Outside of Established Methane Overlay District Boundaries. Upon the determination of the Fire Department that hazard may exist from methane intrusion at a geographical location or area outside the boundaries established in Section 5503 above, the Fire Department may enforce any or all of the provisions of this article as deemed necessary by the Fire Chief to preclude potential hazards from fire or explosion from methane gas accumulations.

§ 5510. Additional Remedial Measures. If the concentration of flammable gas in any building in the City reaches or exceeds twenty-five percent (25%) of the minimum concentration which form an ignitable mixture with air at ambient temperature and pressure, the owner of such building shall hire a qualified engineer to investigate, recommend, and implement mitigating measures. Such measures shall be subject to the approval of the Fire Department. (3422-7/99)